

NORTH DAKOTA

Child and Family Services Reviews

FINAL Assessment

U.S. Department of Health and Human Services
Administration for Children and Families

Region VIII

04/15/02

SUMMARY OF FINDINGS FORM

Purpose. The purposes of this form include the following:

- To provide a preliminary assessment of the strengths and needs of the State's child and family services system prior to the onsite review, by analyzing information from the State's CFSP and Statewide Assessment on the form
- To provide a format for each local review team to identify its collective findings based on the activities conducted by the team in a particular review site
- To provide a format for recording information obtained during the onsite review applicable to the outcomes and systemic factors being reviewed, including information obtained from case reviews and stakeholder interviews
- To provide a format for all the local review teams to consolidate their information into one comprehensive report to the State agency
- When completed, following the onsite review, to serve as the final report of the review to the State agency that includes the summary of the review findings and the determination of substantial conformity

Organization. The form includes sections for each of the three outcome areas and each of the seven systemic areas being reviewed. For each outcome listed, subsections are provided to record the number of cases reviewed by the team according to the degree to which the outcome was determined by the reviewers to be achieved, followed by a list of each indicator used to evaluate the outcome. For each systemic factor listed, subsections are provided to record the State's substantial conformity, or lack thereof, followed by the State plan requirements used to evaluate each systemic factor. The form also includes sections used to record areas determined by the review team to be operating in substantial conformity with applicable State plan requirements and those determined not to be in substantial conformity.

Instructions. Each review team member should receive a copy of the form that includes the preliminary assessment information. However, each local review team will submit only one completed form that includes the results of the local team's findings of the onsite review as compiled at the local team's final debriefing. The local team leader must ensure that the form is completed and submitted by the end of the onsite review. For each outcome (sections I–III), the team should record the number of cases they reviewed in which that particular outcome was determined to be substantially achieved, partially achieved or not being achieved or addressed by the agency under review. Each systemic factor (sections IV–X) should be marked by the team as substantially conforming to State plan requirements or not substantially conforming. Each performance indicator (items 1–45) following the outcomes and systemic factors should be judged by the team as primarily a strength or primarily an area needing improvement, recognizing there may some identified strengths and needs within any one indicator. The basis for rating each performance indicator should be specific, should substantiate the rating, and should note the source of the information, i.e., Case reviews, stakeholder interviews, or the self-assessment. In the debriefing of the entire State review team near the conclusion of the onsite review, the team

should complete one consolidated form that incorporates the findings of each local team and includes and addresses the information on the preliminary assessment. The team should complete the final two sections of the form (sections XI and XII), indicating those areas determined to be operating in substantial conformity with applicable requirements and those areas not in substantial conformity. The team will identify the specific performance indicators needing improvement in each area determined not to be in substantial conformity, to assist the State in developing its program improvement plan. Following the onsite review, the Regional Office review team leader will refine and supplement the form as needed, verify the areas of nonconformity, and submit the completed form to the State agency as the final report of the review.

INTRODUCTION

This document presents the findings of the Child and Family Services Review for the State of North Dakota. This findings were derived from the following documents and data collection procedures:

- The Statewide assessment prepared by the State child welfare agency —Children and Family Services (CFS) of the North Dakota Department of Human Services;
- The State Data Profile, prepared by the Children's Bureau of the U.S. Department of Health and Human Services;
- Reviews of 49 case records at three sites throughout the State; and
- Interviews with stakeholders at the three sites including, but not limited to, children, parents, foster parents, all levels of child Welfare agency staff, school personnel, mental health providers, court personnel, and attorneys.

Of the 49 case records reviewed, 24 were cases open for services in which children remained in their homes, and 25 were foster care cases. One foster care case that had been selected for the review process was dropped when it was determined that the case had been closed prior to the period under review. Of the 25 foster care cases, 6 involved children who entered foster care as a result of their behavior problems rather than as a result of parental or caretaker maltreatment.

The first section of the report presents the findings relevant to the State's achieving specific outcomes for children in the areas of safety, permanency, and well-being. The second section of the report addresses the systemic factors relevant to the child welfare agency's ability to achieve positive outcomes for children.

SECTION 1: OUTCOMES

I. SAFETY

Outcome S1: Children are, first and foremost, protected from abuse and neglect.					
	Team 1 Cass	Team 2 Burleigh\ Morton	Team 3 Grand Forks	Total Number	Total Percentage (of 47 applicable Cases)
Substantially Achieved:	15	13	9	37	78.7
Partially Achieved:	4	1	4	9	19.1
Not Achieved or Addressed:	1	0	0	1	2.1
Not Applicable:	0	0	2	2	NA
Conformity of Statewide data indicators with national standards:					
	National Standard	State's Percentage	Meets Standard	Does Not Meet Standard	
Repeat maltreatment	6.1%	11.71%		X	
Maltreatment of children in foster care	0.57%	.44%	X		

STATUS OF SAFETY OUTCOME 1

North Dakota did not achieve substantial conformity with Safety Outcome 1. This determination was based on the following:

- The percentage of applicable cases rated as being in substantial conformity with Safety Outcome 1 was 78.7. This is less than the 90 percent required for substantial conformity.
- The State's incidence of repeat maltreatment did not meet the national standard of 6.1.

Findings with respect to the specific items assessed relevant to this outcome are presented and discussed below.

Item 1. Timeliness of initiating investigations of reports of child maltreatment

 X Strength Area Needing Improvement

Review Findings: An assessment of item 1 was applicable for 24 of the 49 case records reviewed. Cases that were not-applicable were those in which no reports of child maltreatment occurred during the period under review. In assessing the item, reviewers were to identify all cases in which the response to a child maltreatment report occurred within the required State guidelines. For North Dakota, the State requires that responses to reports of child maltreatment assigned to category A or B must be initiated within 24 hours of receipt of the report. Responses to reports involving less severe maltreatment and assigned to category C must be initiated within 72 hours of receipt of the report. The results of this assessment were the following:

- Item 1 was rated as a Strength in 22 (92%) of the 24 applicable cases.
- Item 1 was rated as an Area Needing Improvement in 2 (8%) of the applicable cases.

Cases were rated as a Strength for this item when the reviewer determined that (1) the response time to initiating the investigation was within the agency timeframes designated for each maltreatment category; (2) workers made face-to-face contacts with the children involved; and (3) priority levels for each case were assigned in accordance with State requirements. In the two cases in which item 2 was rated as an Area Needing Improvement, two responses were not within required guidelines.

Additional finding were the following:

- There were two cases for which face-to-face contact was never made with the child during the investigation, although the response was initiated within the required time frame.
- There were a few cases in which maltreatment reports were filed while the case was open for services and no investigations were conducted.

Determination and Discussion: Item 1 was assigned an overall rating of Strength based on the finding that in 92 percent of the cases, responses to reports of child maltreatment were initiated within the required timeframes. According to the Statewide Assessment, workers are not only to respond to cases within required timeframes, but interviews with the subject(s) and child must take place in person. However, the Statewide Assessment also noted that if a maltreatment report is received when the family is currently receiving protective services, the case manager and supervisor decide if the report should be handled by the social worker providing case management services, or if other options are more appropriate.

Item 2. Repeat maltreatment

____ Strength __X__ Area Needing Improvement

Review Findings: An assessment of item 2 was applicable for 46 of the 49 cases. Reviewers were to determine whether more than one substantiated or indicated report of child maltreatment had occurred during the period under review. This assessment resulted in the following:

- Item 2 was rated as a Strength in 39 (85%) of the 46 applicable cases.
- Item 2 was rated as an Area Needing Improvement in 7 (15%) of the 46 applicable cases.

In the 39 cases for which item 2 was rated as a Strength, reviewers noted that no more than one substantiated or indicated maltreatment report occurred during the period under review. However, for several of these cases, there were repeat substantiated or indicated maltreatment reports prior to the period under review and for other cases, there were maltreatment reports during the period under review that were not investigated because the case was already open for services. In the seven cases rated as an Area Needing Improvement, multiple maltreatment reports occurred during the period under review.

Some stakeholders expressed the opinion that the use of family focused and family preservation services helps prevent repeat maltreatment. However, other stakeholders noted that in areas in which these services are not available, there is a lack of ongoing assessment for families beyond the initial safety/risk assessment, and this contributes to the incidence of repeat maltreatment.

Determination and Discussion: Item 2 was rated as an Area Needing Improvement primarily because North Dakota's incidence of repeat maltreatment for Federal Fiscal Year (FFY) 1999 (11.7%) was higher than the national standard of 6.1 percent. In addition, although no repeat maltreatment occurred in 85 percent of the cases reviewed, in a large number of those cases, children were in foster care or another permanent placement during the entire period under review and there was little opportunity for maltreatment by a parent to occur.

The Statewide Assessment indicated that the high percentage of repeat maltreatment for the State may reflect the overall small numbers of children in some areas of the State rather than a true problem of repeat maltreatment. For example, in 1997, one county had a recurrence rate of 100 percent, but there was only one case during that entire year of a repeat substantiated maltreatment report. According to the Statewide Assessment, CPS will conduct a study to determine the causes for recurrence and the extent of the problem.

Outcome S2: Children are safely maintained in their homes whenever possible and appropriate.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Team 1 Cass	Team 2 Burleigh/ Morton	Team 3 Grand Forks	Total Number	Total Percentage (of 42 applicable Cases)
Substantially Achieved:	17	8	8	33	78.6
Partially Achieved:	1	2	4	7	16.6
Not Achieved or Addressed:	1	1	0	2	4.8
Not Applicable:	1	3	3	7	NA

STATUS OF SAFETY OUTCOME 2

North Dakota did not achieve substantial conformity with Safety Outcome 2. This determination was based on the finding that the outcome was rated as substantially achieved in 78.6 percent of the cases reviewed, which is less than the 90 percent required for a rating of substantial conformity.

Findings of the specific items assessed relevant to this outcome are presented and discussed below.

Item 3. Services to family to protect child(ren) in home and prevent removal

☒ Strength ☐ Area Needing Improvement

Review Findings: An assessment of item 3 was applicable for 30 of the 49 case records. Nineteen cases were excluded from this assessment because there were no substantiated or indicted maltreatment reports or identified risks of harm to a child in the home during the period under review. In assessing item 3, reviewers were to determine whether CPS had made diligent efforts to provide services to families to prevent removal of children from the home while at the same time ensuring their safety. The results of this assessment were the following:

- Item 3 was rated as a Strength in 25 (83%) of the 30 applicable cases.
- Item 3 was rated as an Area Needing Improvement in 5 (17%) of the applicable cases.

Cases were rated as a Strength when reviewers found evidence in the case records that the agency had conducted a comprehensive assessment of the family's needs and provided services based on these identified needs. In six of these cases, the families indicated

that the services they received were individualized and were very helpful in resolving the family crisis. These families included two that had CPS reports with services required, two that had CPS reports with services recommended but not required, and two that had no CPS reports but requested voluntary services due to their children's behaviors.

In the 5 cases for which item 3 was rated as an Area Needing Improvement, there was no indication in the case records or in the case-related interviews that the agency had assessed family needs or provided services to prevent removal and keep children safe in their homes.

Stakeholders indicated that the agency has implemented a pre-permanency planning meeting that brings everyone involved to the table to assess the risk of harm to the child and to determine whether all possible services and resources have been exhausted before an out-of-home placement is considered.

Determination and Discussion: Item 3 was assigned an overall rating of Strength based on the finding that in 83 percent of the cases reviewed, the agency had made diligent efforts to provide services to prevent a child's placement in foster care. This finding is consistent with information provided in the Statewide Assessment regarding CFS placement prevention efforts. According to the Statewide Assessment, North Dakota provides a range of services designed to help families alleviate crises that might create an environment in which children are maltreated or need to be placed outside of their homes. These services were described in the Statewide Assessment as strength-based, intense, goal-based, and time-limited and provided by either State and county staff or through contract service providers.

Item 4. Risk of harm to child

____ Strength X Area Needing Improvement

Review Findings: An assessment of item 4 was applicable for 41 of the 49 case records. In assessing this item, reviewers were to determine whether the agency had made, or was making, diligent efforts to reduce the risk of harm to the children involved in each case. The assessment resulted in the following:

- Item 4 was rated as a Strength in 32 (78%) of the 41 applicable cases.
- Item 4 was rated as an Area Needing Improvement in 9 (22%) of the 41 applicable cases.

Of the 32 cases for which item 4 was rated as a Strength, 18 were cases in which children remained in their homes and services were provided to the families to reduce the risk of harm, and 14 were foster care cases in which reviewers determined that the risk of harm to children was appropriately addressed by removing the children from their homes.

Cases were rated as an Area Needing Improvement for this item, when (1) in-home services cases were closed at the request of parents but the reviewer determined that services had not been provided to protect the children and therefore the risk of harm had not been reduced and, (2) maltreatment reports continued to be filed on the family although the case was open for services, suggesting that services were not adequate to reduce risk of harm.

Stakeholders and agency personnel expressed the opinion that the multidisciplinary Child Protection Teams, which are established throughout the State, assess the risk of harm to children and the availability of resources in the community to reduce the risk of harm. Some case record reviewers noted that reports and recommendations from the Child Protection Teams were included in the case records.

Determination and Discussion: Item 4 was assigned an overall rating of Area Needing Improvement primarily because in 22 percent of the cases, reviewers determined that the risk of harm to children was not adequately addressed. This was found to be a somewhat complicated issue to assess because of North Dakota's relatively new Child Abuse and Neglect Law. According to the Statewide Assessment, this law, as modified in 1996, requires that assessment be done on all reports of suspected child abuse and neglect. This assessment may result in a determination that "services are required" (which is similar to a finding of substantiation), "services are recommended but not required," or "services are not required or recommended." The determination of "services recommended but not required" is based on an indication that risk factors exist, although there may be insufficient evidence to substantiate the maltreatment. As noted in the Statewide Assessment, cases in which services are recommended but not required may or may not be opened for services, and parent involvement and participation in services is voluntary. However, in some of these cases, reviewers determined that the risk of harm to the child was present in the family although the family refused the recommended services and the cases were closed. These findings raise questions regarding if correct determinations were made through the assessment process or if the system is structured in a manner to adequately identify risks and provide services to effectively address the identified risks. Consideration should be given to the possible connection between case closure because families refuse to participate in recommended services, repeat maltreatment and re-entries into foster care.

II. PERMANENCY

Outcome P1: Children have permanency and stability in their living situations.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Team 1 Cass	Team 2 Burleigh/ Morton	Team 3 Grand Forks	Total Number	Total Percentage (of 25 applicable cases)
Substantially Achieved:	9	5	9	23	92.0
Partially Achieved:	1	1	0	2	8.0
Not Achieved or Addressed:	0	0	0	0	
Not Applicable:	10	8	6	24	NA
Conformity of Statewide data indicators with national standards:					
	National Standard (percentage)	State's Percentage	Meets Standard	Does Not Meet Standard	
Foster care re-entries	8.6	16.3		X	
Length of time to achieve reunification	76.2	72.8		X	
Length of time to achieve adoption	32.0	44.0	X		
Stability of foster care placements	86.7	86.2		X	
Length of stay in foster care*					

*Not used to determine substantial conformity.

STATUS OF PERMANENCY OUTCOME 1:

North Dakota did not achieve substantial conformity with Permanency Outcome 1: Although reviewers rated this outcome as having been substantially achieved in 92 percent of the cases, the State did not meet the national standards (as presented in the State Data Profile) with respect to (1) the incidence of foster care re-entries, (2) the percentage of reunifications that occurred within 12 months of removal of the children from their homes, and (3) the percentages of children experiencing two or fewer placements during their first 12 months in foster care. However, the State did meet the national standard for the percentage of adoptions occurring within 24 months from the time of the child's removal from the home.

Item 5. Foster care re-entries

____ Strength __X__ Area Needing Improvement

Review Findings: Twenty-five of the 49 case records were applicable to an assessment of foster care re-entries because they involved children who were in foster care at some point during the period under review. In assessing item 5, reviewers were to determine whether children entered foster care more than once during the period under review. This assessment resulted in the following findings:

- Item 5 was rated as a Strength in 21 (84%) of the 25 applicable cases.
- Item 5 was rated as an Area Needing Improvement in 4 (16%) of the 25 applicable cases.

In many of the cases in which item 5 was rated as a Strength, the children were placed in foster care prior to the period under review and remained in care throughout the period under review. Consequently, there was little opportunity for foster care re-entries to occur. In the four cases for which this item was rated as an Area Needing Improvement, there were two re-entries in three of the cases and one re-entry in one case.

Determination and Discussion: Item 5 was assigned an overall rating of Area Needing Improvement primarily because, as indicated in the State Data Profile, 16.3 percent of the children entering foster care in North Dakota during Federal FFY 1999 were re-entering care within 12 months of discharge from a prior foster care episode. This exceeds the national standard of 8.6 percent. According to the Statewide Assessment, the agency believes that the rate of re-entries into foster care is correlated with the median length of stay in foster care. That is, children who stay in care longer tend to have fewer re-entries than children who are in care for relatively shorter periods of time. As noted in the Statewide Assessment, CFS plans to further examine this issue to better understand the State's foster care re-entry rate.

The Statewide Assessment also noted that in North Dakota, 92 percent of the children in foster care have been removed from their homes two times or less, and 6.5 percent of the children have been removed three times. Instances of children with more than three removals are rare.

Item 6. Stability of foster care placement

____ Strength __X__ Area Needing Improvement

Review Findings: All 25 foster care cases were applicable for an assessment of item 6. Reviewers were to determine whether the child experienced placement changes during the period under review (for a single foster care episode) and if so, whether the placement changes were necessary to achieve the child's permanency goal or to meet the child's service needs, and whether the child's current placement was stable. The findings of this assessment were the following:

- Item 6 was rated as a Strength in 23 (96%) of the 25 applicable cases.
- Item 6 was rated as an Area Needing Improvement in 2 (8%) of the 25 applicable cases.

For the 23 cases rated as a Strength for item 6, there were 14 (61%) cases in which the children experienced no placement changes during the period under review. For nine of the cases rated as a Strength for this item, the children did experience placement changes during the period under review (with two children experiencing more than 5 changes), but reviewers determined that the changes were in the children's best interest. For the most part, placement changes involved moving children to settings that provided more intensive services to meet children's mental health needs and behavioral problems.

A cases was rated as an Area Needing Improvement for this item when the placement change was determined to not be in the child's best interest. In one case, a child's move to a more restrictive placement setting was viewed by the case record reviewers as inappropriate to meet the child's service needs. In the other case, the reviewers determined that CFS had not made an appropriate placement initially, necessitating an additional placement change.

Stakeholders expressed varying opinions regarding the issue of placement stability. Some stakeholders, including foster parents, suggested that the agency provides adequate supports to foster parents and children to maintain safe and stable placements, including services such as support groups, specialized training, and funds for children to attend camp and pursue hobbies. Other stakeholders indicated that many children change placements unnecessarily because the agency places children with foster parents who have not completed the required training.

Determination and Discussion: Item 6 was assigned an overall rating of Area Needing Improvement primarily because the State Data Profile indicated that in FFY 1999, the percentage of children in foster care in North Dakota for less than twelve months with two or fewer placements was 86.2. This is less (although only slightly less) than the national standard of 86.7 percent. According to the Statewide Assessment, children coming into care on an emergency basis in North Dakota frequently have multiple

placements because they are initially placed in an emergency care facility prior to determining whether they will remain in out-of-home care. The Statewide Assessment also indicated that multiple placements occur when a child needs a higher level of treatment/service.

Item 7. Permanency goal for child

 X Strength Area Needing Improvement

Review Findings: In assessing item 7 for the 25 applicable records, reviewers were to determine whether the agency had (1) established an appropriate permanency goal for the child and, (2) implemented diligent efforts to attain that goal. The results of this assessment were the following:

- Item 7 was rated as a Strength for 23 (92%) of the 25 applicable cases.
- Item 7 was rated as an Area Needing Improvement for 2 (8%) of the 25 applicable cases.

Case record reviews indicated that permanency goals had been established for all children in the 25 foster care cases. Ten children had a goal of adoption, 6 children had a goal of reunification, 1 child had a goal of guardianship, 1 child had a concurrent planning goal of reunification/adoption, 1 child had what appeared to be a concurrent planning goal of adoption and long term foster care, and 6 children had a goal of Long Term Foster Care or “Independent Living.” The goal of “independent living” was primarily established for children who entered foster care as teenagers or for children who had been in foster care and were now perceived as “too old” to be adopted. The permanency plan was attained during the period under review for 6 of the 25 cases, and in 2 other cases, it was anticipated that the goal of finalized adoption would be achieved shortly as the children were in adoptive placements and court finalization was in process.

Many of the cases for which item 7 was rated as a Strength involved delays in attaining permanency goals. For example, in two cases, it was noted that an adoption had been delayed because the children’s behavior problems made it difficult to find an appropriate adoptive placement. In three cases, a final termination of parental rights (TPR) had not been attained because the biological parents had filed appeals with the State Supreme Court.

In the two cases for which item 7 was rated as an Area Needing Improvement, the permanency goals were Adoption and Independent Living. The adoption case was noted to involve excessive delays due to the fact that there were two Tribes involved in the case and no decision could be made about the tribe in which the child should be enrolled. For the independent living case, the reviewer determined that CFS did not make diligent efforts to attain prior permanency goals.

Three stakeholders indicated that a new Guardian ad Litem program has been developed to focus on permanency for children. They expressed the opinion that this program has both increased and expedited permanency. However, stakeholders from the Tribes indicated that there is a need for clarification of the interrelationships of the Indian Child Welfare Act (ICWA) and Adoption and Safe Families Act (ASFA), and a need to understand how this interrelationship can improve outcomes pertaining to permanency for children.

Determination and Discussion: Item 7 was assigned an overall rating of Strength based on the following findings:

- The item was rated as a Strength in 92 percent of the cases reviewed.
- The State data profile indicated that the State met the national standard for the percentages of finalized adoptions occurring within 24 months of removal from home, although it did not quite meet the national standard for the percentages of reunifications occurring within 12 months of removal.

Information in the Statewide Assessment is consistent with this rating. For example, the Statewide Assessment notes that the use of Long Term Foster Care as a permanency goal for children has decreased since 1997, while the goal of adoption has increased from 11.3 percent in 1997 to 26.9 percent in 1999.

Item 8. Independent living services

☒ Strength ☐ Area Needing Improvement

Review Findings: Item 8 was assessed for the 6 foster care cases in which children were age 16 and older during the period under review (five of these cases were from one site). Reviewers were to determine whether these children were adequately prepared for independent living, and specifically whether (1) there was an independent living case plan in the file and, (2) the agency had provided them with independent living services. The results of this assessment were as follows:

- Item 8 was rated as a Strength in 5 (83%) of the 6 applicable cases.
- Item 8 was rated as an Area Needing Improvement in 1 (17%) of the 6 applicable cases.

In 4 of the 5 cases rated as a Strength for this item, there was an independent living plan in the file and independent living services had been provided or were currently being provided to the youth. One case was rated as a Strength even though evidence of a plan or service delivery was not present in the file because the youth was a recent entry into foster care. However, the worker indicated that these activities would be forthcoming. In the case for which item 8 was rated as an Area Needing Improvement, there was no evidence in the case record that independent living services had been provided.

Stakeholders, including agency staff, indicated that the public child welfare agency has contracts with five public and private agencies to provide independent living services in each region of the State to current and former foster care youth. The contract agencies include Casey, Charles Hall, Lutheran Family Services, Youth Works, and Dakota Boys Ranch (DBR). These Stakeholders and staff indicated that the services used by youth that appear to be most productive of positive outcomes are transitional living, college assistance, housing, and employment services. However, stakeholders also noted that there is a need for ongoing collaboration between the agency and the Tribes to improve independent living services for Tribal youth.

Determination and Discussion. Item 8 was assigned an overall rating of Strength based on the finding that 83 percent of the applicable cases appeared to adequately address the independent living needs of children in foster care who are age 16 and older.

Item 9. Adoption

☒ X Strength ☐ Area Needing Improvement

Review Findings: Twelve of the 25 foster care cases were assessed for item 9. One of these cases had a concurrent goal for both adoption and reunification and another case had a concurrent goal of adoption and long term foster care. In assessing this item, reviewers were to determine whether appropriate and timely efforts had been undertaken to achieve finalized adoptions. This determination resulted in the following findings:

- Item 9 was rated as a Strength in 11 (92%) of the 12 applicable cases.
- Item 9 was rated as an Area Needing Improvement in 1 (8%) of the 12 applicable cases.

For the 11 cases rated as a Strength, there were 2 adoptions that had been finalized and 2 that were noted to be very close to finalization. Five children were in adoptive placements or prospective adoptive placements. During the period under review, there were five cases for which TPR had not yet been achieved. In two cases, the delay was due to the parent's appeal of the termination decision to a higher court. In three cases, concern about the children's behavior problems raised questions in the agency about the feasibility of an adoption goal for these children. Some stakeholders expressed the opinion that there is a need for clarification on when to go forward with TPR and when to document that a compelling reason exists when TPR is not in the child's best interest.

For the one case in which item 9 was rated as an Area Needing Improvement, the goal had been adoption for many years, but was in the process (at the time of the review) of being changed to long term foster care because the worker decided that the child was too old

to be adopted. The reviewer determined that the agency had not made diligent efforts to achieve an adoptive placement for this child prior to the change in goal.

Stakeholders suggested that approximately 80 percent of the children who are adopted from the child welfare system in North Dakota are adopted by their foster parents.

Determination and Discussion: Item 9 was assigned an overall rating of Strength based on the following findings:

- A rating of Strength was assigned to 92 percent of the applicable cases.
- The State Data Profile indicates that in FFY 1999, 44.0 percent of finalized adoptions in North Dakota occurred within 24 months of the time the child was removed from the home. This exceeds the national standard of 32.0 percent.

According to the Statewide Assessment, the number of adoptions in North Dakota has increased during the past two years, and the time between removal and finalization has decreased. The Statewide Assessment attributed both of these changes to the implementation of ASFA and to the use of concurrent planning, which is practiced when appropriate. In addition, as noted in the Statewide Assessment, adoption caseload standards have been implemented that limit an adoption worker's caseload to 19-21 children and/or families. A worker may be involved in 10-15 additional concurrent planning cases. The Statewide Assessment indicated that although these caseload standards exceed most nationwide standards, they are an improvement over the high caseloads previously experienced by the workers. However, implementation of caseload standards has caused a "waiting list" of children and families that cannot currently be served due to resource limitations. These children and families will be referred to an adoption worker when caseloads allow.

CFS contracts with Lutheran Social services and the Village Family Service Center to provide special needs adoption services. The Adults Adopting Special Kids (AASK) Program, an interagency collaborative, is a model that provides high quality, nationally accredited services to children and families. The AASK staff meets monthly with CFS to plan for the program and review cases.

Item 10. Permanency goal of other planned permanent living arrangement

☒ Strength ☐ Area Needing Improvement

Review Findings: An assessment of item 10 was applicable for 7 of the 25 foster care cases -- in 3 cases the plan was long term foster care (in one of these cases this plan had just recently been established at the time of the review) and in 4 cases, the plan was Independent Living. In assessing this item, the reviewer was to determine whether the "other planned permanent living arrangement"

was appropriate for the child and whether other permanency options had been considered prior to this goal. This determination resulted in the following:

- Item 10 was rated as a Strength in 6 (86%) of the 7 applicable cases.
- Item 10 was rated as an Area Needing Improvement in 1 (14%) of the 7 applicable cases.

The six cases in which item 10 was rated as a Strength included all of the cases with independent living as the case goal and two of the cases with long term foster care as the case goal. The long term foster care cases were assigned a Strength rating because children were in placement with foster parents who were committed to them and there were compelling reasons why another permanency plan was not feasible. The cases for which the goal was independent living were rated as a Strength for this item because this goal was determined to be appropriate because of the children's age.

Reviewer rated one case as an Area Needing Improvement for this item because the case goal had been recently changed from adoption to long term foster care when the agency decided that the child was too old to have a goal of adoption. The reviewer determined that the agency had not made diligent efforts to achieve either adoption or reunification on this child prior to establishing long term foster care as a goal. This is the same case that was assigned an Area Needing Improvement rating for item 9.

Determination and Discussion. Item 10 was assigned an overall rating of Strength because reviewers assigned this rating to 86 percent of the applicable cases. The Statewide Assessment indicated that although the percentage of children in foster care with a goal of long term foster care has decreased from 1997 to 1999, the percentage of children with a goal of independent living has increased.

Outcome P2: The continuity of family relationships and connections is preserved for children.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Team 1 Cass	Team 2 Burleigh/ Morton	Team 3 Grand Forks	Total Number	Total Percentage (of 25 applicable Cases)
Substantially Achieved:	8	6	9	23	92.0
Partially Achieved:	2	0	0	2	8.0
Not Achieved or Addressed:	0	0	0	0	0
Not Applicable:	10	8	6	24	NA

STATUS OF PERMANENCY OUTCOME 2:

North Dakota achieved substantial conformity with permanency outcome 2 because 92 percent of the 25 cases assessed were rated as having substantially achieved this outcome. This exceeds the 90 percent standard required for substantial conformity.

Findings for the specific items assessed relevant to this outcome are presented and discussed below.

Item 11. Proximity of foster care placement

 X Strength Area Needing Improvement

Review Findings: An assessment of item 11 was applicable for 22 of the 25 foster care cases. Cases not applicable for this assessment were those in which placement near parents was determined to be "not in the child's best interest." In assessing item 11, reviewers were to determine whether the child had been placed in a foster care setting that was in close proximity to the child's parents or close relatives, and, if not, whether the out-of-county or out-of-State placement was in the child's best interest. The results were that item 11 was rated as a Strength for all 22 applicable cases. Specific findings regarding these cases included the following:

- In 9 cases, the children were placed in their home communities.
- In 8 cases, the children were placed in another county. The majority of out-of-county placements occurred when it was necessary to place the child in a residential treatment facility to address the child's behavior problems. However, residential treatment facilities could be as far as 200 miles from the child's home community.
- In 5 cases, the children were placed out-of-State with a relative.

Determination and Discussion: Item 11 was assigned an overall rating of Strength because all applicable cases were rated as a Strength for the item. This determination is consistent with North Dakota placement's philosophy, as noted in the Statewide Assessment. This policy requires that children be placed in close proximity to parents or relatives and in the least restrictive environment possible. Placement with a relative is the preferred option, family foster care is second, therapeutic placements third and group or residential care as a last alternative. All therapeutic and group/residential placements are required to be approved by the regional supervisor at the time of initial placement. If a child is placed out of State, the ICPC Administrator must approve the placement. These approvals must be reviewed and renewed annually.

Item 12. Placement with siblings

☒ Strength ☐ Area Needing Improvement

Review Findings: An assessment of item 12 was applicable for 10 of the 25 applicable cases. Cases not applicable for this assessment were those in which the child did not have siblings who were in foster care. In assessing item 12, reviewers were to determine whether siblings were, or had been, placed together and if not, whether separation was necessary to meet the needs of one or more of the children. This assessment resulted in the following findings:

- Item 12 was rated as a Strength in 9 (90%) of the 10 applicable cases.
- Item 12 was rated as an Area Needing Improvement in 1 (10%) of the 10 applicable cases.

In 6 of the 9 cases in which item 12 was rated as a Strength, the siblings were placed together. In 3 cases, the children were separated, but the separation was determined to be in the best interest of one or more of the siblings. One case was given a rating of Area Needing Improvement for this item because although the initial separation of siblings had been in the best interest of the children, the reviewer determined that the agency had not made diligent efforts to reunite the siblings after one child's treatment needs had been met.

Despite the generally positive finding of the case record review, several stakeholders noted that there is a need for more foster family homes that can accommodate large sibling groups.

Determination and Discussion. Item 12 was assigned an overall rating of Strength because 90 percent of the applicable cases were rated as a Strength with respect to placement with siblings.

Item 13. Visiting with parents and siblings in foster care

☒ Strength ☐ Area Needing Improvement

Review Findings: An assessment of item 13 was applicable for 18 of the 25 foster care cases. Cases that were not-applicable were those in which the child had no siblings in foster care and visitation (or other forms of contact) with parents was considered to be "not in the child's best interest." In assessing this item, reviewers were to determine (1) whether the agency made appropriate efforts to facilitate visitation between the child in foster care and his or her parents and other siblings in foster care and (2) whether these visits

took place on at least a monthly basis whenever possible. The findings of this determination were that item 13 was rated as a Strength for all 18 of the applicable cases.

The primary reason for the rating of this item as a Strength was the reviewer's perception that the agency had made diligent efforts to encourage and support visitation. However, the actual frequency of visitation varied widely. In at least 8 (44%) cases, visits with parents and/or siblings occurred less than monthly. In contrast, in three cases (17%), visits between at least one parent and the child occurred on a weekly basis. In some cases, reviewers noted that there were clear indications of worker efforts to encourage visitation, such as providing bus fare and money to cover a motel room, and to support other forms of contact when visitation was not possible, such as letter writing and telephone calls. In one case, the foster parent purchased a telephone card so that the child could contact her family living in another country.

Determination and Discussion. Item 13 was assigned an overall rating of Strength because this rating was assigned to all of the case records reviewed. According to the Statewide Assessment, North Dakota has no formal policy dictating frequency of contact between children, siblings and parents. Timeframes for frequency of visitation vary across cases and are established during the permanency planning process.

Item 14. Preserving Connections

 X Strength Area Needing Improvement

Review Findings: An assessment of item 14 was applicable for all 25 of the foster care cases. For this item, reviewers were to determine whether the agency made diligent efforts to preserve a child's connections to neighborhood, community, culture, family, faith, and friends while the child was in foster care. The following findings resulted from this assessment:

- Item 14 was rated as a Strength in 23 (92%) of the 25 applicable cases.
- Item 14 was rated as an Area Needing Improvement in 2 (8%) of the 25 applicable cases.

A Strength rating was given to cases in which there were clear indications that the agency had made diligent efforts to preserve the child's connections to culture, family, faith, friends, and community. This was usually accomplished by placing the child in his or her home community, with relatives, or in a community in which there were many people from the child's cultural background. In one case, the mother of a child who was in a residential placement facility died while the child was in placement. The caseworker traveled to the residential facility to pick up the child and take him to visit his mother's grave. This was noted to be a very important event for the child.

The rating of Area Needing Improvement was assigned when reviewers determined that CFS had not made efforts to maintain one child's connection to his faith (Moslem), and another child's connection to his culture (Lebanese).

Although the case records indicated concerted efforts to maintain connections, some stakeholders suggested that CFS does not stress to staff, foster parents and other service providers the importance of preserving connections for children in foster care. In addition, Tribal representatives expressed the opinion that ICWA requirements for children in the juvenile justice system need to be better understood, particularly with respect to the impact of these requirements on preserving connections for Native American children.

Determination and Discussion: Item 14 was assigned an overall rating of Strength because in 92 percent of the applicable cases reviewers determined that the agency had made diligent efforts to preserve children's connections.

Item 15. Relative Placement

 X Strength Area Needing Improvement

Review Findings: Of the 25 foster care cases, 22 were applicable for an assessment of item 15. Two cases were not applicable. In two of these cases, the children required restrictive settings at the time of placement and in one case, the child was from the Philippines and none of her relatives were in the country. In assessing this item, reviewers were to determine whether the agency had made efforts to locate and assess relatives as potential placement resources for children entering foster care. The results of this assessment were the following:

- Item 15 was rated as a Strength for 20 (91%) of the 22 applicable cases.
- Item 15 was rated as an Area Needing Improvement for 2 (9%) of the 22 applicable cases.

Cases were rated as a Strength when there was evidence in the case record that (1) children had been placed with relatives, (2) if children were not placed with relatives, searches for relatives had taken place, and/or (3) identified relatives had been appropriately assessed as potential placement resources. In some cases, relatives had assumed legal guardianships over the children or were in the process of adopting the children. In other cases, the agency assisted the relatives in improving home conditions or obtaining necessary resources so that the children could be placed with them.

In the two cases for which this item was rated as an Area Needing Improvement, there was no indication in the case records that relatives had been sought as potential placement resources. In one case, the reviewer learned of a relative through an interview, but

there was no indication that the caseworker attempted to find that relative. In another case, the child requested that her aunt be sought as a placement resource, but the worker did not contact the aunt.

Some stakeholders suggested that the agency does make concerted efforts to place children with relatives when it appears that the children can be protected in the placement and receive the services needed. Stakeholders also expressed the opinion that more relatives appear to be requesting guardianship or adoption for their kin foster children. However, a few stakeholders suggested that the agency does not always thoroughly assess non-custodial parents as placement resources for their children.

Determination and Discussion. Item 15 was assigned an overall rating of Strength because in 91 percent of the cases, reviewers determined that the agency had made diligent efforts to search for relatives and to place children with relatives when possible. This rating is consistent with State policy, noted in the Statewide Assessment, which requires agencies to give placement preference to an adult relative caregiver who meets all relevant State child protection standards. The Statewide Assessment also noted that the number of relatives who are caring for children in foster care increased from 109 in 1998 to 134 in 1999.

Item 16. Relationship of child in care with parents

☒ X Strength ☐ Area Needing Improvement

Review Findings: An assessment of item 16 was applicable for 16 of the 25 foster care cases. Cases that were not applicable were those in which parents had parental rights terminated shortly after the child entered foster care or parents could not be located. In assessing this item, reviewers were to determine whether the agency had made efforts to support the development or maintenance of a bond between the child and both of his or her parents through visitation and provision of services that promote bonding. The findings of this assessment were as follows:

- Item 16 was rated as a Strength for 14 (87.5%) of the 16 applicable cases.
- Item 16 was rated as an Area Needing Improvement for 2 (12.5%) of the 16 applicable cases.

Cases were rated as a Strength for this item when reviewers determined that the agency had made diligent efforts to facilitate visitation between parents and children and provide services to enhance bonding, when there was concern about the relationship. Cases also were rated as a Strength for this item when, if visitation was not possible, the workers and/or foster parents supported the relationship between children and parents through encouraging telephone and written contacts.

In the two cases for which item 16 was rated as an Area Needing Improvement, the reviewers determined that CFS had not made concerted efforts to provide both the parent and the child with the therapeutic supports they needed to assist them in strengthening their bond and rebuilding trust.

Determination and Discussion: Item 16 was assigned an overall rating of Strength based on the finding that in 87.5 percent of the case records, reviewers determined that diligent efforts had been made to support the relationship of the children in foster care with their parents.

III. CHILD AND FAMILY WELL-BEING

Outcome WB1: Families have enhanced capacity to provide for their children's needs.					
Number of cases reviewed by the team according to degree of outcome achievement:					
	Team 1 Cass	Team 2 Burleigh/ Morton	Team 3 Grand Forks	Total Number	Total Percentage (for 49 applicable Cases)
Substantially Achieved:	14	12	11	37	75.5
Partially Achieved:	4	2	4	10	20.4
Not Achieved or Addressed:	2	0	0	2	4.1
Not Applicable:	0	0	0	0	NA

STATUS OF WELL-BEING OUTCOME 1:

North Dakota did not achieve substantial conformity with Well-Being Outcome 1. This determination was based on the finding that the outcome was rated as substantially achieved for 75.5 percent of the cases reviewed. This is less than the 90 percent required for a determination of substantial conformity.

Findings for the specific items assessed as relevant to this outcome are presented and discussed below.

Item 17. Needs and services of child, parents, foster parents

____ Strength __X__ Area Needing Improvement

Review Findings: An assessment of item 17 was applicable for all 49 cases. In assessing this item, reviewers were to determine whether the agency had (1) adequately assessed the needs of children, parents, and foster parents, and (2) provided the services necessary to meet those needs. The results were the following.

- Item 17 was rated as a Strength in 36 (73%) of the 49 applicable cases.
- Item 17 was rated as an Area Needing Improvement in 13 (27%) of the 49 applicable cases.

For cases in which item 17 was rated as a Strength, reviewers determined that the agency had assessed the needs of the children, parents, and foster parents and had provided, or attempted to provide, services to meet those needs. In addition, the assessment process incorporated input from parent aides and various professionals who had contact with the family as well as the workers. Twenty-seven of the 37 cases rated as a Strength for this item were cases in which children were in foster care during the period under review.

Of the 13 cases rated as Area Needing Improvement for this item, three were cases in which children were or had been in foster care at some time during the period under review. For most of the 10 in-home cases assigned an Area Needing Improvement rating for this item, the key problem identified was that service needs had been assessed for parents, but a comprehensive assessment had not been done for children.

Some stakeholders commenting on this issue expressed the following opinions:

- Services provided by the agency or its contractors are not always individualized and goal directed.
- It is difficult for some service providers to meet the needs of many of the refugees because of language barriers.
- Appropriate services are not readily available for children with severe mental health problems and children and adults who are sexual abuse perpetrators.

Determination and Discussion: Item 17 was assigned an overall rating of Area Needing Improvement based on the finding that in over one-fourth of the cases reviewed, reviewers determined that the agency had not adequately met the service needs of children, parents, and foster parents. According to the Statewide Assessment, there is a wide array of services available in the State to address the needs of children, parents, and foster parents in the child welfare system. More specific information on the services available is provided under item 35 in the section on the System Factor of Service Array.

Item 18. Child and family involvement in case planning

 X Strength Area Needing Improvement

Review Findings: An assessment of item 18 was applicable for 47 of the 49 cases. In assessing this item, reviewers were to determine whether parents (or other primary caretakers) and children (of appropriate age) had been involved in the case planning process. This assessment produced the following findings:

- Item 18 was rated as a Strength in 38 (81%) of the 47 applicable cases.
- Item 18 was rated as an Area Needing Improvement in 9 (19%) of the 47 applicable cases.

In the 38 cases rated as a Strength for this item, there was evidence from case records and interviews that parents and age appropriate children participated in case planning in both the foster care and in-home cases. Parents and age-appropriate children also were found to have participated in concurrent planning and permanency planning meetings.

For the 9 cases in which item 18 was rated as an Area Needing Improvement, 3 were in-home cases and 6 were foster care cases. The rating of Area Needing Improvement was assigned when it appeared that parents had been given the case plans to sign without having been involved in their development. In some cases, there appeared to be no discussion of either the parents' or the child's service needs with the parents until after the case plan had been developed.

The few stakeholders commenting on this issue noted that CFS makes diligent efforts to facilitate participation by children and parents in permanency planning meetings. They noted that when parents are incarcerated or reside in another State or country, CFS will set up conference calls to ensure that parents can participate.

Determination and Discussion. Item 18 was assigned an overall rating of Strength because in over 80 percent of the cases, reviewers determined that parents and children had been appropriately involved in case plan development. According to the Statewide Assessment, the extent of participation of parents in developing the child's case plan differs throughout the State. Some areas of the State address issues with parents in a straightforward manner, identifying strengths and needs and concurrent planning with parental input. In other areas parental involvement is more perfunctory. The Statewide Assessment also noted that when parents are given the opportunity to have input into case plan development, their participation varies, even when extensive efforts are made to accommodate participants, such as holding permanency planning meetings via conference call. In addition, parental presence does not guarantee their participation, even though this is encouraged. This information in the Statewide Assessment, however, appears to focus on foster care cases. There was no discussion in the Statewide Assessment of parental involvement in case planning for in-home cases.

Item 19. Worker visits with child

____ Strength __X__ Area Needing Improvement

Review Findings: All 49 cases were applicable to an assessment of Item 19. In conducting this assessment, reviewers were to determine whether the frequency of visits between the worker and the child met the requirements of the State child welfare agency and were sufficiently frequent to ensure adequate monitoring of the child's safety and well-being. The results of this assessment were the following:

- Item 19 was rated as a Strength for 38 (78%) of the 49 cases.
- Item 19 was rated as an Area Needing Improvement for 11 (22%) of the 49 cases.

According to the Statewide Assessment, when children are in custody of the child welfare agency, the State has the following policies:

- If the child is in a family foster home, personal contact once a month with supplemental telephone contacts is recommended.
- If the child is in residential care, personal contact by the caseworker once every quarter, with supplemental telephone calls is recommended.
- For children placed out of State, a caseworker representing either State must visit the child in the foster care setting at least every 12 months and submit a report on the visit to the originating State.

For the 38 cases rated as a Strength for this item, reviewers determined that caseworkers visited with children at least once a month, and often had more frequent contact with the children, particularly with children in in-home cases. For the 18 in-home cases, rated as a Strength, there were many instances in which weekly visits to the home were made by parent aides and contract providers.

Of the 11 cases assigned a rating of Area Needing Improvement for this item, 5 were foster care cases and 6 were in-home cases. Reviewers rated a case as an Area Needing Improvement when (1) visits to children in foster care were less than recommended by policy and (2) visits to children in in-home cases did not appear to be sufficiently frequent to ensure adequate monitoring.

Some stakeholders commenting on this issue noted that there seems to be some confusion about who is responsible for knowing the status of a child when both the agency and contract service providers are involved with the family. These stakeholders suggested that both the agency and the providers need to clarify this issue to ensure sufficient monitoring of children's well-being and status.

Determination and Discussion: Item 19 was assigned an overall rating of Area Needing Improvement because in 22 percent of the cases, reviewers determined that visits between the workers and the children did not meet State policy recommendations and/or were not sufficient to ensure children's safety and well-being.

Item 20. Worker visits with parents

 X Strength Area Needing Improvement

Review Findings: An assessment of item 20 was applicable for 38 of the 49 case records. All eleven cases records for which an assessment of item 20 was not applicable were foster care cases in which parental rights had been terminated or the parents could not be located. In assessing this item, reviewers were to determine whether the caseworker had sufficient face-to-face contact with the parents to promote attainment of the child's permanency goal (for foster care cases) or ensure the child's safety and well-being (for in-home cases). The results of the assessment were the following:

- Item 20 was rated as a Strength in 31 (82%) of the 38 applicable cases.
- Item 20 was rated as an Area Needing Improvement in 7 (18%) of the 38 applicable cases.

Cases were rated as a Strength for this item when reviewers determined that (1) workers made face-to-face contact with parents at least monthly, (2) workers made diligent efforts to maintain frequent contact with parents, even if parents did not cooperate, or (3) workers were unable to make face-to-face contact with parents but made telephone contact when possible to discuss both the progress of the child and the parent. This latter situation occurred when parents were incarcerated or residing in another State or country. In the interviews with parents, several of them noted that their caseworkers and contract service providers often visit them more often than monthly.

Three of the seven cases rated as an Area Needing Improvement Cases were foster care cases and four were in-home cases. Cases were rated as an Area Needing Improvement when it was determined that workers did not visit parents at least monthly in either the foster care or in-home cases.

Determination and Discussion: Item 20 was assigned an overall rating of Strength because in 82 percent of the cases, reviewers determined that the frequency of worker visits with parents was appropriate. According to the Statewide Assessment, there is no specific agency policy regarding visits with parents for either in-home or foster care cases. Instead, the level of contact varies with each case and is determined by caseworkers and their supervisors.

Outcome WB2: Children receive appropriate services to meet their educational needs					
Number of cases reviewed by the team according to degree of outcome achievement.					
	Team 1 Cass	Team 2 Burleigh/ Morton	Team 3 Grand Forks	Total Number	Total Percentage (for 45 applicable Cases)
Substantially Achieved:	16	12	13	41	91.1
Partially Achieved:	0	0	0	0	0
Not Achieved or Addressed:	2	2	0	4	8.9
Not Applicable:	2	0	2	4	NA

STATUS OF WELL-BEING OUTCOME 2

North Dakota achieved substantial conformity with Well-Being Outcome 2. This determination is based on the finding that 91 percent of the applicable case records reviewed were rated as having substantially achieved this item, which is greater than the 90 percent required for a determination of substantial conformity.

Findings specific to the item related to this outcome are provided below.

Item 21. Educational needs of the child

☒ Strength ☐ Area Needing Improvement

Review Findings: An assessment of item 21 was applicable for 45 of the 49 case records. Cases determined to be not applicable were those in which the children were too young to have educational needs or in-home cases in which the children did not have issues pertaining to education. Reviewers were to determine for all applicable cases whether (1) educational needs had been assessed and, (2) services designed to meet those needs had been provided. Both elements were necessary for a rating of Strength. The results of the assessment were the following:

- Item 21 was rated as a Strength for 41 (91%) of the 45 applicable cases.
- Item 21 was rated as an Area Needing Improvement for 4 (9%) of the 45 applicable cases.

Cases were rated as a Strength when reviewers determined that educational needs were assessed and services provided. Some of the findings contributing to a rating of Strength were:

- Cases in which caseworkers and foster parents attend IEP meetings and school social workers attend permanency planning meetings.
- Cases in which foster parents serve as advocates for their foster children's educational needs.
- Cases in which education-related issues were addressed in case plans and were discussed during case meeting.

All four of the cases rated as an Area Needing Improvement for this item were in-home cases. These cases were assigned this rating because reviewers determined that the children in the in-home cases had education-related service needs that were not addressed by the caseworker or in the case plan.

Stakeholders commenting on this issue made the following observations:

- There often is a delay in getting educational services identified in the children's assessments.
- Specialized education services are limited in rural school systems.
- It is an ongoing challenge to keep children in foster care in their same school districts.

Determination and Discussion: Item 21 was assigned an overall rating of Strength because in 91 percent of the cases, reviewers determined that the agency had made diligent efforts to both assess and meet children's educational needs. This is consistent with information provided in the Statewide Assessment indicating that children's educational needs, particularly children in foster care, are of concern to CFS. According to the Statewide Assessment, educational information is required to be included in all case plans and must incorporate the child's educational record and information pertaining to child's grade level performance. The education information must be reviewed and updated at the time of each placement in foster care and at each quarterly Permanency Planning review. The Statewide Assessment also noted that this education information must be supplied to foster care providers.

Outcome WB3: Children receive adequate services to meet their physical and mental health needs.					
Number of cases reviewed by the team according to degree of outcome achievement.					
	Team 1 Cass	Team 2 Burleigh/Morton	Team 3 Grand Forks	Total Number	Total Percentage (for 48 applicable Cases)
Substantially Achieved:	15	10	13	38	79.2
Partially Achieved:	1	1	1	3	6.2
Not Achieved or Addressed:	3	3	1	7	14.6
Not Applicable:	1	0	0	1	NA

STATUS OF WELL-BEING OUTCOME 3

North Dakota did not achieve substantial conformity with Well-Being Outcome 3. This determination was based on the finding that the outcome was rated as substantially achieved in 79.2 percent of the cases, which is less than the 90 percent required for a determination of substantial conformity.

Item 22. Physical health of the child

 X Strength Area Needing Improvement

Review Findings: An assessment of item 22 was applicable for 35 of the 49 cases. All 14 of the "Not Applicable" cases for this item were in-home cases in which the physical health needs of the children were not a concern of the case. For all applicable cases, reviewers were to identify whether (1) children's physical health needs had been appropriately assessed and (2) the services designed to meet those needs had been provided. The findings of this assessment were the following.

- Item 22 was rated as a Strength for 32 (91%) of the 35 applicable cases.
- Item 22 was rated as an Area Needing Improvement for 3 (9%) of the 35 applicable cases.

Cases were rated as a Strength if, for foster care cases, the case record included the child's immunization record and evidence that (1) a health assessment had been performed shortly after the child entered foster care, (2) children received preventive health care services, and (3) when special health needs were identified, they were addressed.

One of the three cases assigned a rating of Area Needing Improvement was an in-home case in which the reviewer determined that physical health needs were a relevant issue for the case, but were not assessed or addressed in the case plan. The other two cases were foster care cases in which it did not appear from the case records or interviews with foster parents that children received adequate dental care (1 case) or adequate health care (1 case).

Stakeholders commenting on this topic expressed the opinion that there are an adequate number of pediatricians and physicians to meet the physical health needs of children, but that there are only a few dentists who will accept Medicaid. This results in dental care being a frequent unmet need for foster children.

Determination and Discussion: Item 22 was assigned an overall rating of Strength based on the finding that in 91 percent of the cases, reviewers determined that the physical health needs of children were appropriately assessed and met. This is consistent with information provided in the Statewide Assessment regarding State policy regarding health needs for children in foster care. Although there is no policy pertaining to the timeframe for conducting a physical assessment on a child entering foster care, there is a requirement that case plans for children in foster care must include the child's health records, a record of immunizations, information about the child's known medical problems, and a description of the child's medications. Health information must be reviewed and updated at the time of each placement of the child in foster care and supplied to the foster parents or foster care providers. The health records are reviewed and updated quarterly at each permanency planning review.

Item 23. Mental health of the child

_____Strength __X__ Area Needing Improvement

Review Findings: An assessment of item 23 was applicable for 44 of the 49 cases. Not applicable cases were those in which no mental health concerns were identified for the children. In assessing this item, reviewers were to determine whether (1) mental health needs had been appropriately assessed and (2) services to address those needs had been provided or offered. The findings of this assessment were the following:

- Item 23 was rated as a Strength in 35 (80%) of the 44 applicable cases.
- Item 23 was rated as an Area Needing Improvement in 9 (20%) of the 44 applicable cases.

Cases were rated as a Strength when there was clear evidence in the case record that a mental health assessment had been conducted and appropriate services provided for children in both in-home and foster care cases. Cases were rated as an Area Needing Improvement when there was no evidence of mental health assessments or services, but there was an indication that the child had a potential mental health problem.

Stakeholders commenting on this issue expressed the opinion that there is a lack of placement options for children with serious mental health service needs.

Determination and Discussion. Item 23 was assigned an overall rating of Area Needing Improvement because reviewers indicated that in 20 percent of the applicable cases, the child's mental health services needs were not adequately addressed.

SECTION 2: SYSTEMIC FACTORS

IV. STATEWIDE INFORMATION SYSTEM

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3X	4

STATUS WITH RESPECT TO STATEWIDE INFORMATION SYSTEM

North Dakota is in substantial conformity with respect to the factor of Statewide Information System. Findings specific to this factor Are presented and discussed below.

Item 24. State is operating a Statewide information system that, at a minimum, can readily identify the status, demographic characteristics, location, and goals for the placement of every child who is (or within the immediately preceding 12 months, has been) in foster care.

 X Strength Area Needing Improvement

According to the Statewide Assessment, the State has a Comprehensive Child Welfare Information and Payment System (CCWIPS) that provides case management information and tracks children throughout foster care. The system collects extensive information on each child in foster care including, but not limited to, (1) the demographics related to the child in care, (2) the location and type of foster placement, (3) changes in foster care placements, (4) case goals for the child, and (5) time in care to achieve case goals. The system does not collect information on in-home cases or child abuse and neglect reports or investigations. There is a separate system for these cases. Consequently, CCWIPS cannot search for prior child abuse and neglect reports within or across counties.

The system generates the required AFCARS data for children in foster care and children who have been adopted and can provide data for the six indicators in the Child and Family Services Review by county. The system was implemented statewide September 1, 1995, with the payment part of the system being implemented statewide September 1, 1999. Quarterly reports are generated by CCWIPS that identify due dates for court orders, permanency plans, and foster home licensing reviews. The case manager has access to the

system to record and review vital information regarding the child. In addition, regional workers, eligibility workers, and workers from the Division of Juvenile Services can access information from the system.

Stakeholders commenting on this system suggested that there are agency staff at the regional and county levels who do not view CCWIPS as an effective management tool and do not use reports generated by the system in that manner. However, other stakeholders suggested that this may be due to the fact that some county and State staff are not accustomed to managing with data and therefore do not use what is available to them from the system as a management tool. Stakeholders also indicated that there are a lot of training needs with respect to the system and that the State has had difficulty keeping up with the training demands.

The development of a statewide information system that will provide information on outcomes related to all child welfare programs is being considered by the Department.

V. CASE REVIEW SYSTEM

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3 X	4

STATUS WITH RESPECT TO CASE REVIEW SYSTEM

North Dakota is in substantial conformity with the factor of Case Review System. Findings on the specific items relevant to this factor are presented and discussed below.

Item 25. Provides a process that ensures that each child has a written case plan to be developed jointly with the child's parent(s) that includes the required provisions.

☒ Strength ☐ Area Needing Improvement

According to the Statewide Assessment, the policy of the State child welfare agency requires that each child in foster care under the responsibility of the State has a written case plan that is developed jointly with the child and parent(s). The case records review indicated that in 81 percent of the applicable cases, it was determined that parents and children were involved in the development of

the case plan. In addition, several stakeholders commenting on this issue expressed the opinion that workers have a clear expectation that families should be engaged in developing the case plans. When concurrent planning is used, parents are given opportunities to be involved in developing the concurrent plans. In addition to parent and child involvement, the Permanency Planning Committee also is involved in developing the case plan. The initial plan and updates are maintained on CCWIPS.

It also is a CFS policy that a case plan be developed within thirty days of the child's placement in foster care. There do not appear to be any requirements with regard to timeframes for developing case plans in in-home cases, particularly in cases in which services are recommended but not required.

Item 26. Provides a process for the periodic review of the status of each child, no less frequently than once every 6 months, either by a court or by administrative review.

☒ Strength ☐ Area Needing Improvement

According to the Statewide Assessment, State policy requires that all children in foster care in North Dakota must be reviewed by a Permanency Planning Committee on a quarterly basis. These permanency planning reviews, which are conducted at three-month intervals, are documented in CCWIPS as Permanency Planning Committee Progress Reports. The CCWIPS system provides numerous alerts to case managers and supervisors related to required elements and timeframes for the periodic reviews.

Stakeholders commenting on this issue expressed the opinion that the quarterly reviews keep the focus of the agency on goal achievement. They also noted that parents and foster parents are sent written invitations to the reviews, and that many parents attend and actively participate, although a few stakeholders suggested that more involvement of parents in the reviews is needed. Special Reviews are held by the Permanency Planning Committee when a child may be moved to a more restrictive placement or when there is a change in the case status.

Item 27. Provides a process that ensures that each child in foster care under the supervision of the State has a permanency hearing in a qualified court or administrative body no later than 12 months from the date the child entered foster care and no less frequently than every 12 months thereafter.

☒ Strength ☐ Area Needing Improvement

According to the Statewide Assessment and information from stakeholder interviews, permanency hearings are conducted by the court at least every 12 months for all children in foster care. Some of the hearings occur more frequently than 12 months. A few stakeholders expressed the opinion that the number of permanency hearings has increased since implementation of ASFA.

Caseworkers use CCWIPS, along with an informal back-up system, to keep track of permanency timelines for individual children so that court hearings are conducted in accordance with required timeframes. The Juvenile Court also has a system in place to track permanency timelines for children in foster care. Stakeholders noted that the court generally does not grant hearings delays, although they might do so in response to a request from an attorney for a special evaluation.

Stakeholders commenting on this issue reported that judges are beginning to accept the use of concurrent planning for children in foster care and will review both plans during the permanency hearing. Several stakeholders identified practices that they believe create delays in attaining permanency for children in foster care. These include the following:

- A request for a transfer of a case from juvenile court to district court delays permanency because district courts do not have to report to the Supreme Court on timeliness.
- Requests by parents for an attorney often result in continuances of permanency hearings.
- Judges are not sufficiently trained regarding permanency to be able to move cases toward resolution of issues.

Item 28. Provides a process for termination of parental rights proceedings in accordance with the provisions of the Adoption and Safe Families Act.

☐ Strength ☒ Area Needing Improvement

According to the Statewide Assessment, North Dakota's ASFA implementation date was August 1, 1999. The court and University of North Dakota Training Center provided joint training on ASFA for the Department of Human Services staff, courts, attorneys and GALs. At present, CFS has a policy and a process for termination of parental rights (TPR) in accordance with the provisions of ASFA. The Statewide Assessment noted that there has been an increase in the number of TPRs for young children since the implementation of ASFA.

Stakeholders commenting on this issue reported that legal and court processes are often barriers to permanency for children, particularly processes related to filing cases, getting a hearing date, getting orders signed promptly, and getting decisions on TPR appeals. Another barrier noted by stakeholders is that some judges do not want to grant TPRs in cases in which parents have substance abuse problems, mental illness, or developmental disabilities or in which parents are incarcerated. In addition, there was general agreement among stakeholders that TPR is delayed when the Tribes intervene in a case, and when the issue of compelling reasons is raised. In one of the case records, TPR was not sought because the judge approved the agencies request that the child's age (she was a teenager) be accepted as a compelling reason for not seeking TPR.

Item 29. Provides a process for foster parents, preadoptive parents, and relative caregivers of children in foster care to be notified of, and have an opportunity to be heard in, any review or hearing held with respect to the child.

☒ Strength ☐ Area Needing Improvement

According to the Statewide Assessment, Notice and Opportunity to be Heard Forms are used by CFS to advise foster parents, preadoptive parents, and relative caregivers of children in foster care of about permanency planning meetings, periodic reviews, and permanency hearings. Stakeholders noted that foster parents, preadoptive parents and relative caregivers are invited to hearings, however very few attend. The notices inviting these parties to the hearings may be discouraging attendance due to unclear messages regarding the opportunity to participate in the hearings.

As noted in the Statewide Assessment, data from the CCWIPS indicates that parents are invited to 92.6 percent of the permanency planning meetings and attend 49.7 percent of the meetings. Children are invited to 62.2 percent of permanency plan meetings and attend 37.6 of the time. Stakeholders noted that sometimes arrangements are made for parents who are incarcerated to attend hearings and permanency planning meetings or participate by telephone.

Although the notices invite foster parents to hearings, the wording notes that they “do not have a right to speak.” Several stakeholders, including foster parents, indicated that this wording tends to discourage them from attending the hearings. Especially since many of them have experienced situations in which they have attended hearings and not been allowed to participate.

VI. QUALITY ASSURANCE SYSTEM

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3 X	4

STATUS WITH RESPECT TO QUALITY ASSURANCE SYSTEM

North Dakota is in substantial conformity with the factor of Quality Assurance System. Findings on the specific items relevant to this factor are presented and discussed below.

Item 30. The State has developed and implemented standards to ensure that children in foster care are provided quality services that protect the safety and health of the children.

 X Strength Area Needing Improvement

According to the Statewide Assessment, the State child welfare agency ensures that children in foster care are provided quality services that protect the safety and health of children through the following procedures: (1) licensure for all family foster homes (discussed in more detail under item #) that includes background checks on all adults living in the home (see item 41) and background checks on employees of group homes and residential facilities (see item 43); (2) notification to all appropriate persons of the availability of Health Tracks (EPSDT) screenings for all children in foster care; (3) the requirement that all children through age 17 are buckled in the appropriate restraint or care safety seat and children younger than four must be secured in a car safety seat; and (4) the approval of foster homes on Indian Reservations by the State for IV-E funds pursuant to an affidavit executed by a Tribal official. The Tribe can follow State or Tribal foster home licensure standards.

Other Quality Assurance measures pertaining to case practice are the following:

- The State requires a Risk Assessment be completed every 90 days while families are receiving family preservation services following the Child Protective Services risk assessment.
- Regular supervisory reviews of CPS cases are conducted at the county level.
- A State policy requiring adherence to caseload standards. (However, several stakeholders noted that in many situations, offices do not adhere to caseload standards.)

Item 31. The State is operating an identifiable quality assurance system that is in place in the jurisdictions where the services included in the CFSP are provided, evaluates the quality of services, identifies strengths and needs of the service delivery system, provides relevant reports, and evaluates program improvement measures implemented.

_____ Strength X Area Needing Improvement

According to the Statewide Assessment, CFS does not have a formal child welfare quality assurance (QA) system. However each program has its own QA processes and procedures. These include the following:

- Child Protection Services (CPS): For QA purposes, the regional child protection supervisor reviews on an annual basis 10 percent, or a total of five completed CPS cases, whichever is greater, from each county in the region. The child protection law, administrative rules, policies and procedures provide the framework for the case reviews. The CPS Multi-disciplinary Team reviews the assessments completed by the county social workers and assists with decisions about safety and risk of future maltreatment of children.
- Family Focused Services: Supervisory staff members are responsible for ongoing case reviews to monitor service effectiveness and agency success in providing time-limited services. The clinical supervisor conducts a formal case review on all closed cases. Comments and recommendations regarding case closure are listed on the Evaluation Summary Form.
- Foster Care: Regional supervisors meet regularly with State child welfare staff to discuss State and Federal law changes, Federal rules and regulations; provide policy input; and discuss trends and pertinent programmatic issues.
- Adoption: A full team staff meeting occurs monthly. Cases are staffed, program improvements and plans are discussed, and policies are reviewed and revised.

In addition to these reviews, maintenance of the caseload standards adds significantly to the QA process and, according to the Statewide Assessment, adherence to the caseload standards is required by policy.

Stakeholders at the local level expressed the opinion that local QA processes are in place. These include child protection teams, reviews of cases by supervisors, individual client satisfaction surveys, Division of Juvenile Services annual audits (which includes interviews with families), and IV-E Reviews by State staff. Stakeholders also noted that a monthly review by the State CPS Administrator of all open CPS cases in the State is used to evaluate the quality of services. The review identifies cases older than 62 days and assesses adherence to caseload standards. After review by the central office, the report is sent to the regional CPS supervisors for review and action. The information is used by central, regional, and county staff for program improvement.

CFS is considering including some elements of the Federal Child and Family Services Review process into an ongoing and formalized QA system. This may address the current situation in which CFS has many different QA procedures, but there is nothing in place to provide a comprehensive overview of what is happening to children and families in the child welfare system.

VII. TRAINING

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3 X	4

Item 32. The State is operating a staff development and training program that supports the goals and objectives in the CFSP, addresses services provided under titles IV-B and IV-E, and provides initial training for all staff who deliver these services.

☒ Strength ☐ Area Needing Improvement

According to the Statewide Assessment, CFS contracts with the University of North Dakota, Department of Social Work, to operate a Children and Family Services Training Center (CFS/TC). The training center is responsible for most of the child welfare training in North Dakota. The State provides a Child Welfare Practitioner Certification Program (CWPCP), which is a competency based Training curriculum. The training is a four-week curriculum offered in the spring and fall. The areas covered are: child welfare

practice, child abuse and neglect assessment procedures, provision of services to families, family focused services, family assessments, writing treatment plans, working with the legal system, ICWA, family reunification, working with foster families and foster children, and out-of home placement issues. Staff from CFS work with the CFS/TC to evaluate the training and modify it when necessary, particularly when laws and policies change.

All CPS social workers are required to begin the CWPCP training within the first six months of employment and complete the program within one year of beginning the training. The special needs adoption workers are required to complete the CWPCP, the Foster/Adopt/PRIDE Train the Trainers Program and advanced training on special needs adoption within the first year of employment. Many Tribal child welfare staff also participate in the CWPCP training.

Stakeholders commenting on this issue expressed the opinion that the CWPCP is a valuable training program and that 90 percent of all child welfare staff complete the training. However, a few stakeholders said that the CWPCP does not focus sufficiently on the foster care system and does not include training on cultural outreach.

Item 33. The State provides for ongoing training for staff that addresses the skills and knowledge base needed to carry out their duties with regard to the services included in the CFSP.

☒ X Strength ☐ Area Needing Improvement

As noted in the Statewide Assessment, CFS does not have a formal plan for on-going training for child welfare staff. However, individuals who provide child welfare services in North Dakota are required to be licensed social workers, and, as licensed social workers, they are required by law to complete 20 continuing education credits every two years to retain the license.

Stakeholders commenting on this issue noted that there are many on-going training opportunities available for staff at the State, regional and county levels, including the Annual State Conferences, which focus on a variety of issues. Plans are to hold a conference on ICWA in 2002 and to make this one of the regular annual conferences. Stakeholders suggested that this is an important training because turnover in staff creates a need for ongoing ICWA training. It was noted that if the Native American Training Institute had a contract with the State, it could provide training to the staff and contract service providers.

The agency also provides funds for staff to attend both local and out-of-State training opportunities. The agency plans to develop by July, 2002 an ongoing supervisory training program in management and child welfare issues. As one stakeholder noted, there is no ongoing training effort for administrators.

Item 34. The State provides training for current or prospective foster parents, adoptive parents, and staff of State licensed or approved facilities that care for children receiving foster care or adoption assistance under title IV-E that addresses the skills and knowledge base needed to carry out their duties with regard to foster and adopted children.

 X Strength Area Needing Improvement

According to the Statewide Assessment, CFS funds a training center to provide foster and adoptive parent training statewide using the 27-hour national PRIDE foster/adopt parent pre-service training curriculum. There are approximately 100 trainers statewide. In 2000, 334 foster and adoptive parents received the pre-service training required for all newly licensed foster and adoptive parents. Tribal foster parents are invited to participate in the training and the Training Center sponsored a Native American foster parents training conference in October, 2001.

The PRIDE core curriculum is also used throughout the State to supplement the pre-service training curriculum. This additional training provides opportunities for foster and adoptive parents to enhance their skills in regard to specific topic areas, based on the needs of the individual and regions/communities. In addition, various areas of specialty training are provided at conferences and in individual training sessions around the State. Specific training is provided for therapeutic foster parents, including the PRIDE pre-service training, a “basic-training” curriculum specific to therapeutic parents and other sessions designed to cover fire safety, first aid and crisis prevention. Therapeutic foster parents have access to Individual Education Funds to support their individual training plans. The foster parents in consultation with their licensing worker develop these plans. Requirements for ongoing training is 30 hours per year for therapeutic foster parents and 20 hours per year for other foster parents.

In addition to the core training, a family development plan is prepared for each foster family and specific training is provided to meet the needs of individual foster children. Foster parents interviewed during the onsite review indicated that they needed training on ICWA and on Native American cultural issues. They also noted that it is difficult to work with case managers who have not had the PRIDE training because they do not understand the concept of working with foster parents as partners.

According to the Statewide Assessment, training for staff of State licensed or approved child care institutions that care for children under the State care/responsibility is provided mainly at yearly conferences to which licensed facilities staff are invited. Special topics have been presented to address the training needs of facility staff. The most recent foster care and adoption conference had special sessions on inhalant abuse. However, it is difficult for facilities to send staff to conferences and other training activities while maintaining required staff-to-child ratios on their premises.

VIII. SERVICE ARRAY

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3 X	4

STATUS WITH REGARD TO SERVICE ARRAY

North Dakota is in substantial conformity with the factor of Service Array. Findings with regard to specific items assessed for this factor are presented and discussed below.

Item 35. The State has in place an array of services that assess the strengths and needs of children and families and determine other service needs, address the needs of families in addition to individual children in order to create a safe home environment, enable children to remain safely with their parents when reasonable, and help children in foster and adoptive placements achieve permanency.

☒ X Strength ☐ Area Needing Improvement

As noted in the Statewide Assessment, CFS provides a wide range of services through the eight Regional Human Service Centers and 53 county Social Services Boards. These services are designed to help children safely and appropriately remain or return to their families. Family preservation services are designed to help families, including adoptive and extended families, alleviate crises that might lead to maltreatment of children and/or placement of children out of their homes. Services provided to children and families by the Regional Human Service Centers are available to individuals in their geographical region and include child sexual abuse treatment, individual/group/family therapy, drug and alcohol evaluations, outpatient drug and alcohol treatment, psychological/psychiatric evaluations, parental capacity evaluations, infant development services for developmentally disabled and at risk children and case management services for children with serious emotional disturbances. Children, birth parents and foster parents receive a range of these services depending on their needs.

All stakeholders commenting on this issue praised the array of services available in the State and suggested that the services enable children to remain safely with their parents when reasonable and help children in foster and adoptive placements achieve permanency.

Some of the services mentioned as particularly noteworthy were intensive in-home services and family focused services to prevent placement and to support reunification.

Despite the generally positive view of the array of services, several stakeholders noted the following service gaps.

- Dental providers (Very few dentists in North Dakota participate in the Medicaid Program. In some areas, there is a waiting period of one month for emergency dental services.
- Drug/alcohol treatment for youth.
- Treatment for sexual offenders.
- Services for children with severe emotional issues.
- Culturally responsive services for Native Americans and Cambodian families.
- Services for youth emancipating from foster care.
- Respite care for foster parents.
- Community based services for SED children.

Item 36. The services in item 35 are accessible to families and children in all political jurisdictions covered in the State's CFSP.

☐ Strength ☒ Area Needing Improvement

As noted in the Statewide Assessment, many of the services provided through the eight Regional Human Service Centers and 53 County Social Services Boards are not available statewide. In some areas, especially in rural settings, there are waiting lists for specific services. Health and mental health resources are limited in many areas although case management, respite care and intensive in-home services are available statewide. Parent aide services are available in 46 counties, prime time child care is available in 36 counties, and family focused services are available in 26 counties. The Statewide Assessment noted that efforts are being made by the Regional Human Service Centers to identify needs and arrange alternate ways to obtain services. Gas vouchers are provided for transportation in some instances since access to services is a problem for families in rural areas of the State. Stakeholders also expressed concern about access to services for children residing on Indian Reservations.

Item 37. The services in item 35 can be individualized to meet the unique needs of children and families served by the agency.

☒ Strength ☐ Area Needing Improvement

Both the Statewide Assessment and the stakeholders interviewed during the onsite review indicated that most of the services provided by the State child welfare agency are child-centered, family-focused, community driven and strength focused, and therefore they can be individualized to meet the unique needs of many of the children and families served by the agency. However, stakeholders also noted that the influx of refugees into the State in recent years has had an impact on the ability of the child welfare agency to ensure individualized services to children and families of different cultures. For example, in Cass County there are 57 languages represented by the children in the school system.

IX. AGENCY RESPONSIVENESS TO THE COMMUNITY

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3 X	4

STATUS WITH REGARD TO AGENCY RESPONSIVENESS TO THE COMMUNITY

North Dakota is in substantial conformity with the factor of agency responsiveness to the community. Findings with respect to Specific items assessed for this factor are presented and discussed below.

Item 38. In implementing the provisions of the CFSP, the State engages in ongoing consultation with tribal representatives, consumers, service providers, foster care providers, the juvenile court, and other public and private child- and family-serving agencies and includes the major concerns of these representatives in the goals and objectives of the CFSP.

☒ Strength ☐ Area Needing Improvement

The Statewide Assessment notes that external community stakeholders are "integral to the work of the Department." There are many partners that are involved in the development of the Child and Family Services Plan, including the Advisory Committee, the CPS Task Force, the Alliance for Sexual Abuse Prevention and Treatment (which serves as the Children's Justice Act Task Force), the Child

Fatality Review Panel, Head Start, Tribal Social Services Directors, Division of Juvenile Services, Division of Mental Health, Extension Services, North Dakota Supreme Court, and parents/consumers.

Item 39. The agency develops, in consultation with these representatives, annual reports of progress and services delivered pursuant to the CFSP.

☒ Strength ☐ Area Needing Improvement

Many of the agencies mentioned in the discussion of item 38 participated in the development of the Annual Progress and Services Report and the development of the Statewide Assessment. Some participate in small group meetings. All are invited to participate in the annual joint planning meeting to develop the APSR. Comments from all participants and stakeholders are considered in the development of the APSR that is submitted to the Regional Office.

Some stakeholders commenting on this issue noted that greater efforts are necessary to ensure that CFS involves Tribal representatives in the discussions and decision making regarding services to children and families.

Item 40. The State's services under the CFSP are coordinated with services or benefits of other Federal or federally assisted programs serving the same population.

☒ Strength ☐ Area Needing Improvement

As noted in the Statewide Assessment, the Department coordinated services provided under the CFSP with the following agencies that serve the same populations:

- Human Service Centers provide supervision and direction to county child welfare staff. They also provide information on child welfare programming.
- Children's Services Coordinating Committee is involved in planning and coordination of service for children at risk.
- Family Focused Services Supervisors provide assistance with specific training efforts.
- Medicaid is used to finance wraparound services across the State.
- Mental Health and child welfare developed a program in 1994 to implement wraparound services. Mental health also is working with child welfare, division of juvenile services, education and PATH to implement a single plan of care. This would involve one plan from all players. Four regions have implemented the single plan of care.
- The Division of Mental Health also has developed a process so that parents do not have to relinquish custody to get mental health treatment for their children, if mental health is the only reason for placement.
- There has been an increase in ESPDT screening of child welfare children from 10% to 50%. Efforts are being made to include all foster children. Public health units do the screening. Medicaid has social worker on site to make sure the children get full screenings. TANF is used as an incentive for families to get screening for their children because a family's TANF funds will be reduced if children do not get screening.

Despite this excellent collaboration and communication at the State level, several stakeholders noted that county child welfare agencies are not actively involved in these collaborative efforts.

X. FOSTER AND ADOPTIVE PARENT LICENSING, RECRUITMENT, AND RETENTION

Rating of Review Team Regarding Substantial Conformity				
Rating	Not in Substantial Conformity		Substantial Conformity	
	1	2	3 X	4

STATUS WITH REGARD TO FOSTER AND ADOPTIVE PARENT LICENSING, RECRUITMENT, AND RETENTION

North Dakota is in substantial conformity with the factor of foster and adoptive parent licensing, recruitment, and retention. Findings with respect to specific items assessed for this factor are presented and discussed below.

Item 41. The State has implemented standards for foster family homes and child care institutions, which are reasonably in Accord with recommended national standards.

☒ Strength ☐ Area Needing Improvement

According to the Statewide Assessment, foster care licensing for family homes is governed by State law (NDCC 50-11) and by Administrative Rules (ND Admin Code 75-03-14). Foster home licenses are issued for one year although State law allows a two-year licensure period. Annual licensing studies are completed by a county social worker or staff of a Licensed Child Placing Agency and submitted to the regional supervisor who issue/denies the license. The regional supervisors administer the foster care licensing program using State law and administrative rule. Consultation related to licensing, denial and revocation is available to the regional supervisor from the foster care administrator and the Department's Legal Advisory Unit. Licensure is required for relative homes if payment is made.

Licensing for group and residential child care facilities is governed by State law (NDCC 50-11) and Administrative Rules (ND Admin Code 70-03-16). A team composed of a regional supervisor, a representative from the State office who has licensing and supervision experience, a clinician and an addiction counselor, conducts group homes and RCCF licensing reviews. The licensing studies are forwarded to the foster care administrator who reviews all group/RCCF licenses and request any missing documentation, clarifies any questions with the appropriate facility and takes action on the license.

Guidance (OHS-00-08) was issued to counties, regional offices and others on March 1, 2000 regarding the prohibition against provisional licensure. Provisional licensures were used in the past very rarely, on a very limited basis.

North Dakota is in the second year of cycling to a two-year licensure period for group homes and residential child care facilities. The intent is to conduct a full facility/policy review in year one, and concentrate on programmatic activities in year two. The burden is on the facility in year two to provide all documentation, fire /safety inspection reports, etc., And the licensing team will concentrate their efforts on the facility's program. The exception to this cycle occurs if a facility is found culpable for a Child Abuse and Neglect report. In this case the facility will remain on a one-year licensing cycle until this issue is resolved.

Item 42. The standards are applied to all licensed or approved foster family homes or child care institutions receiving title IV-E or IV-B funds.

☒ Strength ☐ Area Needing Improvement

All foster homes, relatives and non-relatives must meet the same State standards if they are to receive State or Federal funds. This includes Tribal foster homes. Regional supervisors have responsibility for reviewing foster home studies for compliance with State law. The exception to this is foster homes on Tribal Reservations, where a Tribal authority certifies compliance via an affidavit. License applications for all group homes and residential child care facilities are reviewed by the foster care program administrator. The licensure is then issued or denied.

License revocation for family foster homes are handled by the regional supervisor with consultation of the foster care program administrator. Revocations for group homes and residential child care facilities are handled through a team of one or more regional supervisors and one or more representatives from the Division of Children and Family Services. All revocations are referred to the Legal Advisory Unit and the Attorney General's Office.

During 2000, two foster home licenses were revoked.

Item 43. The State complies with Federal requirements for criminal background clearances as related to licensing or approving foster care and adoptive placements and has in place a case planning process that includes provisions for addressing the safety of foster care and adoptive placements for children.

☒ Strength ☐ Area Needing Improvement

The Department conducts State, local and Federal background checks in accordance with State law and policy. These background checks are in compliance with Federal requirements. As noted in the Statewide Assessment, since 1997, in accordance with ND Admin Code 75-03-16 and NDCC 50-11, background checks have been conducted on staff of group homes and residential child care facilities. This process was strengthened by the 1999 legislation which added provision to the law requiring FBI fingerprint-based checks for individuals who had not resided in North Dakota for the past eleven years. This is in addition to the BCI check initiated in 1997. Without a satisfactory background check, residential facilities may not employ a person who will have contact with children. The 1999 legislation also mandated background checks for prospective foster home and adoptive parents. Foster homes licensed as of August 1, 1999 were "grandfathered". The law requires both BCI and FBI checks for all adults in the home. The FBI fingerprint based check is required only for those individuals who have not resided in North Dakota for the past eleven years. The requirement

pertains to any foster home licensed in the State, whether the home is licensed and/or supervised by a public or private agency. No foster home is licensed without satisfactory completion of a background check.

The August 1, 1999 legislation also required all approved adoption assessments to contain a report of a criminal history record investigation. The law provides for both statewide and national criminal history records investigations for individuals seeking to adopt. This requirement applies to any adoption assessment conducted after the implementation date for all types of adoption. No person may receive a positive recommendation to adopt without having satisfactorily completed the criminal history record check.

Some stakeholders commenting on this issue expressed concern that some foster parents are being licensed before completing the required training and that some Tribes are licensing foster homes and placing children in them before completing the criminal background checks.

Item 44. The State has in place a process for ensuring the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.

☐ Strength ☒ Area Needing Improvement

The Department of Human Services has committed extra resources (\$150,000) to enhance foster home recruitment and retention. Recruitment of adoptive homes for children with special needs and Native American children is being emphasized. Some specific activities directed toward recruitment include funding of proposals from regions for recruitment/retention activities for foster and adoptive parents, developing a web site to make recruitment information more readily available to the general public, and contracting for the development of a public service announcement video.

Because the current recruitment and retention efforts are in the initial stages, no data are available regarding their effectiveness. Anecdotal information indicates positive response to the initiative.

Some stakeholders indicated that the Native American Training Institute has the capacity to identify Native American families to serve as foster families, but the State has not requested this assistance. The State has had a contract with the Native American Training Institute since July 1, 2001, however some of the stakeholders were not aware of it. The contract is to assist Burleigh County with the recruitment of Native American families. This conflicting information highlights a gap in understanding between the State and other relevant parties regarding the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State.

Item 45. The State has in place a process for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.

☒X_ Strength ☐ Area Needing Improvement

The Department has designed and implemented a child specific recruitment plan document. Policy has been issued to clarify recruitment procedures and ICPC procedures pertaining to child specific recruitment and follow-up activities. Child specific recruitment for waiting children may take a number of forms. Biographies of waiting children are mailed monthly to waiting families, who have an approved home study, within and outside the State. Staffing of waiting children occur monthly. These children are regularly advertised through a quarterly newsletter published by the AASK Program.

General family recruitment is done through local recruitment coalitions in the regions. Families inquiring from out of State are immediately directed to the Special Needs Adoption Program. They are also invited to submit their current completed adoption study. When the home study is received, the family is placed on the waiting families list and mailed monthly biographies of children waiting to be adopted and newsletters. Half of the families on the waiting list are from out of State.

The Department is a member of the National Adoption Center. Recruitment activities are coordinated with the National Adoption Center, North American Council of Adoptable Children, and Dave Thomas Foundation.

XI. DETERMINATION OF SUBSTANTIAL CONFORMITY

For each outcome and systemic factor listed below, mark “Y” where the State is determined to be in substantial conformity and “N” where the State is determined not to be in substantial conformity. For each outcome or systemic factor marked “N,” place a check beside the performance indicator, listed by item number in this form, that has been determined to be an area needing improvement.

Safety

Child and Family Well-Being

☐N_ Outcome S1

☐N_ Outcome WB1

☐Y_ Quality Assurance System

☐ Item 1

☒x_ Item 17

☐ Item 30

☒x_ Item 2

☐ Item 18

☒x_ Item 31

☒x_ Item 19

☐Y_ Training

☐ Item 32

☐N_ Outcome S2

☐ Item 20

☐ Item 33

<input type="checkbox"/> Item 3	<input type="checkbox"/> Y Outcome WB2	<input type="checkbox"/> Item 34
<input checked="" type="checkbox"/> Item 4	<input type="checkbox"/> Item 21	<input type="checkbox"/> Y Service Array
Permanency	<input type="checkbox"/> N Outcome WB3	<input type="checkbox"/> Item 35
<input type="checkbox"/> N Outcome P1	<input type="checkbox"/> Item 22	<input type="checkbox"/> Item 36
<input checked="" type="checkbox"/> Item 5	<input checked="" type="checkbox"/> Item 23	<input type="checkbox"/> Item 37
<input checked="" type="checkbox"/> Item 6	Systemic Factors	<input type="checkbox"/> Y Agency Responsiveness to the Community
<input type="checkbox"/> Item 7	<input type="checkbox"/> Y Statewide Information System	<input type="checkbox"/> Item 38
<input type="checkbox"/> Item 8	<input type="checkbox"/> Item 24	<input type="checkbox"/> Item 39
<input type="checkbox"/> Item 9	<input type="checkbox"/> Y Case Review System	<input type="checkbox"/> Item 40
<input type="checkbox"/> Item 10	<input type="checkbox"/> Item 25	<input type="checkbox"/> Y Foster and Adoptive Parent Licensing, Recruitment, a Retention
<input type="checkbox"/> Y Outcome P2	<input type="checkbox"/> Item 26	<input type="checkbox"/> Item 41
<input type="checkbox"/> Item 11	<input type="checkbox"/> Item 27	<input type="checkbox"/> Item 42
<input type="checkbox"/> Item 12	<input type="checkbox"/> Item 28	<input type="checkbox"/> Item 43
<input type="checkbox"/> Item 13	<input type="checkbox"/> Item 29	<input type="checkbox"/> Item 44
<input type="checkbox"/> Item 14		<input type="checkbox"/> Item 45
<input type="checkbox"/> Item 15		
<input type="checkbox"/> Item 16		